

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARGARET MIKE, WILLIAM MIKE,
SHANNON MIKE and GEORGETTE
MIKE, individually,

and SHANNON MIKE and GEORGETTE
MIKE as parents and next friends of
AE.M., AU.M.
and AA.M., minor children,

Plaintiff,

vs.

No. 12 cv 01215 MV/LFG

TERRY McCOY, STEVEN JACKSON,
DAVE McCALL, MANASSEH BEGAY and
KORY FAULK, individually, and as
Law Enforcement Officers and Employees of
SAN JUAN COUNTY SHERIFF'S DEPARTMENT,
and DEPUTIES AND EMPLOYEES OF SAN
JUAN COUNTY SHERIFF'S DEPARTMENT
WHOSE IDENTITIES ARE UNKNOWN AT THIS TIME

and

WALTER NICKERSON and DAVID KING,
individually, and as Law Enforcement Officers
and Employees of CITY OF FARMINGTON
POLICE DEPARTMENT, and OFFICERS
AND EMPLOYEES OF FARMINGTON POLICE
DEPARTMENT WHOSE IDENTITIES ARE
UNKNOWN AT THIS TIME,

Defendants.

**MOTION FOR SUMMARY JUDGMENT BASED ON QUALIFIED
IMMUNITY AND ON PLAINTIFFS' INABILITY
TO SUPPORT CLAIMS**

COME NOW Defendants, Terry McCoy, Steven Jackson, Dave McCall, and Manasseh

Begay, by and through their attorneys, Klecan & Childress, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby move the Court for an Order directing that summary judgment be entered in favor of these defendants.

AS GROUNDS THEREFORE, these Defendants state:

1. The Plaintiffs cannot support their claims for violation of federal and state law.
2. These Defendants are entitled to qualified immunity.
3. There are no genuine issues of material fact, and these Defendants are entitled to summary judgment as a matter of law.
4. These Defendants are filing an accompanying Memorandum In Support Of Motion For Summary Judgment.
5. Due to the nature of this Motion, concurrence was not sought.

WHEREFORE, Defendants McCoy, Jackson, McCall, and Begay pray for summary judgment in their favor and for such further relief as this Court deems just and proper.

KLECAN & CHILDRESS

BY: /s/ Ronald J. Childress
RONALD J. CHILDRESS
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I HEREBY CERTIFY that on the 19th day of
June, 2013, the foregoing was filed
electronically through the CM/ECF system,

which caused the following parties or counsel
to be served by electronic means or other means, as more
fully reflected on the Notice Of Electronic Filing:

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/s/ Ronald J. Childress _____